

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 9/13/2016	(3) CONTACT/PHONE Stephanie Fuhs, Planner/(805) 781-5721	
(4) SUBJECT Hearing to consider proposed amendments to the San Luis Obispo County General Plan - Land Use and Circulation Element, the Conservation and Open Space Element, the Shandon-Carrizo subarea of the North County Area Plan, Title 18 of the County Code – the Public Facilities Fee Ordinance, Title 22 of the County Code – the Land Use Ordinance for the Summer 2016 General Plan Amendment Cycle; includes approval of environmental documents. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1. Hold the public hearings on the Title 18 amendment and the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports. 2. Take final action on the amendments heard today by adopting and instructing the Chairperson to sign the attached resolution and ordinances.			
(6) FUNDING SOURCE(S) Current Budget and Application Fees	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>40 minutes</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>August 16, 2016 (continued)</u>	
(17) ADMINISTRATIVE OFFICE REVIEW			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Stephanie Fuhs, Planner

VIA: Ellen Carroll, Planning Manager/Environmental Coordinator

DATE: 9/13/2016

SUBJECT: Hearing to consider proposed amendments to the San Luis Obispo County General Plan - Land Use and Circulation Element, the Conservation and Open Space Element, the Shandon-Carrizo subarea of the North County Area Plan, Title 18 of the County Code – the Public Facilities Fee Ordinance, Title 22 of the County Code – the Land Use Ordinance for the Summer 2016 General Plan Amendment Cycle; includes approval of environmental documents. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Hold the public hearings on the Title 18 amendment and the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff reports.
2. Take final action on the amendments heard today by adopting and instructing the Chairperson to sign the attached resolution and ordinances.

DISCUSSION

At today's meeting, your Board will hold a public hearing on the following amendments recommended for approval by the Planning Commission and take final action through adoption of a resolution and ordinances.

Item 1.

A request by JIM JEFFERS for an amendment to the Shandon-Carrizo sub area of the North County Planning Area of the Land Use and Circulation Element to change the land use category of approximately eight acres from Agriculture to Commercial Service. Also to be considered is inclusion of planning area standards contained in Title 22 (Land Use Ordinance, North County Area Plan, Shandon-Carrizo subarea) in order to accommodate an existing steel fabrication yard at the site. The site is located on the north side of Highway 46 East, approximately 1.5 miles west of Bitterwater Road, east of the community of Shandon.

County File Number: **LRP2014-00022** APN(s): 017-131-039 and 017-131-050
Supervisory District: 1 Date Authorized: June 2, 2015
Environmental Determination: General Rule Exemption

The Planning Commission considered the above amendments on February 11, 2016 and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Irving, seconded by Commissioner Meyer and carried (5-0), recommending to the Board of Supervisors approval of the amendments as shown in Exhibits LRP2014-00022:B and LRP2014-00022:C, based on Findings in Exhibit LRP2014-00022:A.

Background

The applicant is requesting a General Plan and corresponding Planning Area Standard Amendment to change the land use category on approximately eight acres of property from Agriculture to Commercial Service in order to encompass an existing steel fabrication yard on a single parcel.

The proposal includes two parcels, one 9.98 acre parcel zoned Agriculture and Commercial Service (APN 017-131-039, adjacent to Highway 46 East) and the other, a 28.2 acre parcel (APN 017-131-050), that is zoned Agriculture and is currently being used for grazing. The site is located at 17995 East Highway 46, approximately 2.6 miles northeast of the community of Shandon.

The smaller commercial service property contains a steel fabrication yard that was permitted by the County in November 2004, following a Board approved planning area amendment to allow additional uses in the commercial service land use category in October 2004.

The original approval in 2004 granted use of a portion of the property (approximately 1.8 acres) to be used for the business. The approval included construction of a shop building, office and storage yard. Since then, the operation has expanded onto the neighboring property to include additional storage of materials used in the fabrication business.

The amendments requested will require amending the official maps, the Land Use and Circulation Element, and Section 22.94.090C of the North County Area Plan. The area plan amendments will include amending the text and exhibit to reflect the new land use category boundary.

If the amendments are approved by the Board, the applicant will need to process a Lot Line Adjustment and Conditional Use Permit. The Lot Line Adjustment will reconfigure the 9.98 acre parcel by shifting approximately eight acres of the existing AG/CS parcel to encompass the expanded operations of the fabrication yard, resulting in the same parcel size that currently exists (9.98 acres). The existing agriculturally zoned parcel of 28.2 acres will remain the same size as well, just reconfigured to encompass the land along Highway 46 that will shift over to the existing business (see attached graphic depiction). An amendment to the existing Williamson Act Land Conservation Contract will also need to be processed in order to reflect the adopted changes to encompass the existing business on a single commercial service zoned property.

If the amendments are authorized and ultimately approved by the Board, the applicant will then process a Lot Line Adjustment, Conditional Use Permit to memorialize the expanded yard area from 1.8 acres to 9.98 acres, and Williamson Act Land Conservation Contract amendment to reflect the adopted changes to encompass the existing business on a single commercial service zoned property.

The Planning Commission wanted to keep the existing business operating and there were no concerns with the proposal.

Item 2.

A request by the COUNTY OF SAN LUIS OBISPO to amend the Land Use and Circulation Element land use categories from Rural Lands to Agriculture and Open Space and amend the Conservation and Open Space Element land use designations from Large Lot Rural to Agriculture (Land Under Conservation Contract) for properties recently put into agricultural preserves in the locations noted below:

- Amendments to the El Pomar sub-area of the North County Area Plan:
LRP2015-00011:1 – Clarke – located at 9017 Goldie Lane approximately 2,500 feet north of Calf Canyon Highway, approximately 4.0 miles due south of the Community of Creston. Assessor's Parcel Number: 043-291-031

- Amendments to the Los Padres sub-area of the South County Area Plan:
LRP2015-00011:2 – Attig – located on the northern side of Highway 166 approximately 20 miles northeast of the intersection of Highway 166 and Highway 101 adjacent to the Cuyama River. Assessor's Parcel Number: 085-461-030
- Amendments to the South County sub-area of the South County Area Plan:
LRP2015-00011:3 – Keller – located at 1175 Upper Los Berros Road approximately 4.0 miles north of Nipomo. Assessor's Parcel Numbers: 048-141-002 & 048-121-009
- Amendments to the Nacimiento sub-area of the North County Area Plan:
LRP2015-00011:4 – Attiyeh Foundation – located at the southernmost bend in the Nacimiento River approximately 3.5 miles west of the Oak Shores Village Area.
Assessor's Parcel Number: 080-211-020
- Amendments to the Salinas River sub-area of the North County Area Plan & Estero Area Plan:
LRP2015-00011:5 – Procter – located at 2980 Atascadero Road, on the southern side of Atascadero Road at its intersection with Bear Ridge Road, approximately 4.5 miles east of the City of Morro Bay.
Assessor's Parcel Numbers: 073-011-059 & 060

The purpose of the request is to bring properties that do not currently have Agriculture or Open Space as a land use category within the Land Use Element, and properties that do not currently have Agriculture (Land Under Conservation Contract) as a land use designation within the Conservation and Open Space Element into conformance with the Rules of Procedure to Implement the Land Conservation Act of 1965 (Williamson Act) by changing the categories and designations to Agriculture or Open Space.

County File Number: **LRP2015-00011**

Assessor's Parcel Numbers: Various

Supervisory Districts: 1, 2, 4, 5

Date Authorized: Required by Rules of Procedure

Environmental Determination: General Rule Exemption

The Planning Commission considered the above amendments on June 9, 2016 and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Topping, seconded by Commissioner Irving and carried (5-0), recommending to the Board of Supervisors approval of the amendments as shown in Exhibits LRP2015-00011:1 through LRP2015-00011:5, based on Findings in Exhibit LRP2015-00011:A.

Background

The request is to update the Official Maps of the Land Use Element and Coastal Zone Land Use Element by including lands on which agricultural preserves have been established in the Agriculture and Open Space land use categories. The general plan amendment also includes changes to the Conservation and Open Space Element from Large Lot Rural to Agriculture (Land Under Conservation Contract).

Staff's goal is to process these amendments once a year to maintain up-to-date mapping, but since only one or two properties required updating each year for the past few years, these properties were batched together for a comprehensive amendment package including new agricultural preserve properties from the years 2011-2015. All of the land conservation contracts for these preserves restrict uses to those allowed in the Agriculture or Open Space categories, with additional limitations specified by Table 2, Agriculture and Compatible Uses, in the County Rules of Procedure to Implement the California Land Conservation Act of 1965.

This general plan amendment will bring the five properties into compliance with the requirements of the Land Conservation Act of 1965 (Williamson Act), the local Rules of Procedure, Framework for Planning, Inland Area, Part I of the Land Use Element and Framework for Planning, Coastal Zone, Part I of the Land Use Element.

Item 3.

A request by THE COUNTY OF SAN LUIS OBISPO for an amendment to Title 18 – The Public Facilities Fee Ordinance. The amendment would remove an exemption listed within Section 18.03.020 (10) of the Muni Code regarding collection of certain public facility fees for specific community services districts and fire protection districts.

County File Number: **LRP2016-00001**
Supervisory District: All

Assessor Parcel Number: N/A
Date Authorized: N/A

Background

This item is before the Board in order to address inconsistencies regarding a provision that was added to Title 18 and the Public Facilities Financing Plan. The provision exempted the Santa Margarita fire protection district, the Oceano community services district, and the Los Osos community services district from collection of public facility fees related to firefighting and emergency response services. When the County began to collect these fees from the above districts, this exemption was removed from the Public Facilities Financing Plan but not from Title 18.

This amendment is required to correct this inconsistency. Removal of the exemption will not impact the way the County collects Public Facilities Fees and there will be no changes to fee amounts.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to all applicable responsible agencies and were reviewed and recommended for approval by the Planning Commission with the exception of the Title 18 amendment which did not require a Planning Commission hearing. For a detailed listing of agencies, please refer to each project's staff report.

In addition, County Counsel reviewed the resolution and ordinances as to form and content.

FINANCIAL CONSIDERATIONS

The Jeffers amendment is being processed through application fees paid by the applicant. The County initiated amendments are being processed using funds in the current Planning and Building Department budget.

RESULTS

Final approval of the requests will allow the amendments affecting inland portions of the County to become effective 30 days after the date of final action, making the effective date October 13, 2016.

Final approval of the amendments affecting coastal portions of the County will allow these amendments to be transmitted to the Coastal Commission for review and approval. The effective date of these amendments will be 30 days from the date of Coastal Commission approval.

Approving these amendments is consistent with the County goals of a safe, healthy, livable and prosperous community.

ATTACHMENTS

Attachment 1 - Resolution for Adoption

Attachment 2 - Ordinance for Adoption

Item 1 – Jeffers

Attachment 1-A – February 11, 2016 Planning Commission Resolution

Attachment 1-B – February 11, 2016 Planning Commission Minutes

Attachment 1-C – February 11, 2016 Planning Commission Staff Report

Attachment 1-D: Exhibit LRP2014-00022:C - Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (clean)

Attachment 1-E: Exhibit LRP2014-00022:C - Ordinance Amending the Land Use Ordinance, Title 22 of the County Code (shows changes)

Attachment 1-F – Exhibit LRP2014-00022:B – Official Map Amendment Exhibit

Attachment 1-G – Exhibit LRP2014-00022:A - Findings

Attachment 1-H: General Rule Exemption Form

Item 2 – County of San Luis Obispo – Agricultural Preserve Amendments

Attachment 2-A – June 9, 2016 Planning Commission Resolution

Attachment 2-B – June 9, 2016 Planning Commission Minutes

Attachment 2-C – June 9, 2016 Planning Commission Staff Report

Attachment 2-D – Exhibit LRP2015-00011:1 - Official Map Amendment Exhibit (Clarke)

Attachment 2-E – Exhibit LRP2015-00011:2 - Official Map Amendment Exhibit (Attig)

Attachment 2-F – Exhibit LRP2015-00011:3 - Official Map Amendment Exhibit (Keller)

Attachment 2-G – Exhibit LRP2015-00011:4 - Official Map Amendment Exhibit (Attiyeh)

Attachment 2-H – Exhibit LRP2015-00011:5 - Official Map Amendment Exhibit (Procter)

Attachment 2-I – Exhibit LRP2015-00011:A - Findings

Attachment 2-J: General Rule Exemption Form

Item 3 – County of San Luis Obispo – Title 18 Amendment

Attachment 3-A: Exhibit LRP2016-00001:A - Ordinance Amending the Public Facilities Fee Ordinance, Title 18 of the County Code

Attachment 3-B: General Rule Exemption Form